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SEP 3 0 2003

OFFICE OF PETITIONS

In re Application of :
George Brainard :
Application No. 09/853,428 :
Filed: May 10, 2001 : ON PETITION
Attorney Docket No. :
BRA01-NP002 :

This is a decision on the Further Petition filed July 9, 2003, to revive the above-identified application, which is being treated as a Request for Reconsideration of Petition under 37 CFR 1.137(a). Petitioner requests revival based upon an unintentional delay in responding to the Office action under 37 CFR 1.137(a). A three (3) month extension-of-time is requested and is hereby granted.

The petition under is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 6, 2002. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on September 7, 2002. A Notice of Abandonment was mailed on December 10, 2002.

A petition was filed on January 21, 2003, wherein Petitioner asserted that the delay was unavoidable because Petitioner has not received the June 6, 2002, Office action. That petition was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

A Further Petition, filed on July 9, 2003, was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

With the instant petition, Petitioner has provided the necessary statements and copies of the docket record where the non-received Notice would have been entered had it been received and

docketed. Petitioner has demonstrated by a preponderance of the evidence that the Notice was not received.

The Notice of Abandonment is hereby withdrawn.

The application file is being forwarded to Technology Center 3739 for re-mailing of the Office action. A new time period for response will be set to run from the mailing date thereof.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods
Petitions Attorney
Office of Petitions